

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.1014 OF 2025

Deena Pramod Baldota	]	
Indian Inhabitant, aged 68 years	]	
Residing at 192, Pushpa Kunj,	]	
3 rd Floor, Station Road, Wadala	]	
(West), Mumbai - 400 031 through her	]	
Power of Attorney Holder Mr. Pramod	]	
Ratanchand Baldota.	]	...Petitioner

Versus

Chief Executive Officer (C.E.O.)	]	
Slum Rehabilitation Authority,	]	
5 th Floor, Griha Nirman Bhavan,	]	
Bandra (East), Mumbai - 400 051.	]	...Respondent

Mr. Arun Panicker for the Petitioner.

Mr. Nishigandh Patil for the Respondent.

**CORAM : KAMAL KHATA, J.
RESERVED ON : 30th June, 2025.
PRONOUNCED ON : 22nd July, 2025.**

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JUDGMENT:

1) By this Petition under Article 226 of the Constitution of India, the Petitioner seeks to quash and set aside the impugned Order dated 10th July, 2024 and consequently prays for restoration of the Appeal filed by the Petitioner on the file of the Maharashtra Slum Areas Tribunal and Special Tribunal, Mumbai, for adjudication on merits and in accordance with law.

2) The only issue that arises for consideration is whether the thirty-day limitation period for filing an appeal under Section 17(6) of the Maharashtra Slum Areas (Improvement, Clearance and

Redevelopment) Act, 1971 (“Slum Act”) is to be computed from the date of the notice dated 10th February 2023 or from the date of the Order dated 8th August 2023.

3) The impugned Order dated 8th August 2023, in paragraph 4, refers to the notice dated 10th February 2023 while interpreting Section 17(6) of the Slums Act. The said notice was issued to the landowner, for the purpose of calling for objections in relation to the compensation determination and directed the landowner to furnish details of the actual net income derived from the said land.

4) The question that arises is whether such a notice dated 10th February, 2023 qualifies as the “notice” contemplated under Section 17(5) of the Slums Act. In this context, it is necessary to examine the provisions of Section 17, which have been extracted for reference.

5) Section 17 of Slums Act reads as under:

“17. Basis for determination of compensation

(1) Where any land is acquired and vested in the State Government under this Chapter, the State Government shall pay for such acquisition compensation, the amount of which shall be determined in accordance with the provisions of this section.

(2) Where the amount of compensation has been determined by agreement between the State Government or

as the case may be, the Collector and the person to be compensated, it shall be determined in accordance with such agreement.

(3) Where no such agreement can be reached, the amount payable as compensation in respect of any land acquired shall be an amount equal to sixty times the net average monthly income actually derived from such land during the period of the five consecutive years immediately preceding the date of publication of the notice referred to in section 14.

(4) The net average monthly income referred to in sub-section (3) shall be calculated in the manner and in accordance with the principles set out in the First Schedule.

(5) **The Competent Authority shall**, after holding an inquiry in the prescribed manner, **determine in accordance with the provisions of sub-section (4) the net average monthly income actually derived from the land**, and **publish a notice** in a conspicuous place on the land and **serve it in the manner provided in section 36 and calling upon the owner of the land and every person interested therein, to intimate to it, before a date specified in the notice, whether such owner or person agrees to the amount so determined and if he does not so agree, what amount he claims to be the net average monthly income actually derived from the land.**

(6) Any person who does not agree to the amount of the net average monthly income determined by the Competent

Authority under sub-section (5), and claims a sum in excess of that amount may prefer an appeal to the Tribunal **within thirty days from the date specified in the notice referred to in that sub-section.**

(7) On appeal, the Tribunal shall, after hearing the appellant, determine the net average monthly income and its determination shall be final and shall not be questioned in any court of law.

(8) Where there is any building on the land in respect of which the net average monthly income has been determined, no separate compensation shall be paid in respect of such building:

Provided that, where the owner of the land and the owner of the building on such land are different, the Competent Authority shall apportion the amount of compensation between the owner of the land and owner of the building in the same proportion as the market price of the land bears to the market price of the building on the date of the acquisition.”

[Emphasis Supplied]

6) Section 17 lays down the basis for determination of compensation for land acquired and vested in the State Government under the Act. Sub-sections (5) and (6) clearly indicate that after conducting an inquiry and determining the net average monthly

income, the Competent Authority must publish and serve a notice calling upon the landowner and interested persons to indicate whether they agree with the amount determined or claim any higher amount. If any person disputes the amount so determined, they may prefer an appeal to the Tribunal within thirty days from the *date specified in the notice*.

7) In the present case, the Competent Authority, after determining compensation under Sections 17(3) and 17(4) of the Slums Act, issued a notice dated 10th February 2023 calling upon the landowner to furnish his response and justifications for any higher claim.

8) Thereafter, following a hearing, the Competent Authority passed a final Order on 8th August 2023. The Petitioner preferred an appeal within 30 days from receipt of this final Order. However, the Appellate Authority dismissed the appeal as time-barred, holding that the thirty-day period commenced from 10th February 2023 and not from 8th August 2023.

9) In my view, the impugned Order is based on a clear misreading of Section 17 of Slums Act. The language of Sections 17(5) and 17(6) unambiguously contemplates a determination of compensation after an inquiry, followed by service of a notice calling upon the landowner to indicate whether they accept the amount determined. In the present case, the hearing was conducted and a

final decision rendered only on 8th August 2023. It is that decision which must be construed as the "notice" under Section 17(5) of the Slums Act.

10) Further, if the notice dated 10th February 2023 were to be treated as a notice under Section 17(5), it raises the question as to why a further hearing was held on 17th February 2023 and why a final decision was passed on 8th August 2023. If the section does not contemplate a hearing or decision, then the issuance of such notice itself is legally unsustainable. However, once a hearing was conducted and a decision rendered, only that decision can trigger the appeal period under Section 17(6).

11) The impugned Order dated 10th July 2024 fails to appreciate that the notice dated 10th February 2023 was merely a procedural communication for conducting a hearing, and not a determination under Section 17(5).

12) Moreover, once the hearing was afforded to the parties and a decision was rendered thereon, naturally it is only that decision which can be construed as a notice under Section 17(5) of the Slums Act. Consequently, the appeal under Section 17(6) necessarily has to be filed within 30 days from the decision i.e. 8th August 2023 and not from 10th February 2023.

13) A perusal of the impugned Order dated 10th July 2024 indicates that the Appellate Tribunal failed to appreciate that the

notice dated 10th February 2023 itself stated it was a notice for hearing. Therefore, it could not be construed as a decision under section 17(5) of Slums Act. Besides, the Appellate Tribunal failed to appreciate that there was a decision dated 8th August 2024 rendered on the hearing. That decision was simply ignored without comments – thus overlooked.

14) In view of the above, and after hearing the Advocates of the Petitioner and Respondent, I find that the impugned Order is erroneous and is based on misreading of the Section 17 and consequently erred in holding that the stipulated period of thirty days would commence from 10th February, 2023 and not 8th August 2023.

15) Accordingly, the impugned Order dated 10th July, 2024 is quashed and set aside and the Appeal is restored on the file of Maharashtra Slum Areas Tribunal and Special Tribunal Mumbai for adjudication on merits in accordance with law.

16) The Petition is allowed in the above terms with no order as to costs.

(KAMAL KHATA, J.)